



Def & Rej 8m 30?

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Isaai SHLIMAK et al.

ATTN: **Refund Section  
Accounting Div.  
Office of Finance**

Application No.: 09/887,014

Filed: June 25, 2001

Docket No.: 109851

For: METHOD AND DEVICE FOR NON-CONTACT DETECTION OF EXTERNAL  
ELECTRIC OR MAGNETIC FIELDS

**SECOND REQUEST FOR REFUND TO DEPOSIT ACCOUNT**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Applicants filed a Request for Reconsideration Under 37 C.F.R. § 1.116 along with a Petition for a One-Month Extension of Time for the above-identified application on January 7, 2003. However the Request was not given consideration until the mailing of a Notice of Allowance on April 9, 2003.

M.P.E.P. §714.13 states "Any amendment timely filed after a final rejection should be immediately considered to determine whether it places the application in condition for allowance or in better form for appeal. An examiner is expected to turn in a response to an amendment after final rejection within 10 calendar days from the time the amendment is received by the examiner. A reply to an amendment after final rejection should be mailed within 30 days of the date the amendment is received by the Office."

Applicants submit that Applicant's January 7, 2003 Request for Reconsideration After Final Rejection was not given immediate consideration, as required by M.P.E.P. §714.13. Thus, Applicants were required, solely due to unreasonable Patent Office delay, to file a Notice of Appeal along with a three-month Petition for Extension of Time to avoid abandonment. Attached hereto is a copy of the January 7, 2003 date-stamped receipt, a copy of the March 11, 2003 date-stamped receipt, and a copy of the Notice of Allowability. Accordingly, it is respectfully requested that this charge **(\$570)** be re-credited to Deposit Account No. 15-0461 and that the Patent Office acknowledge this credit in writing.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Scott M. Schulte  
Registration No. 44,325

JAO:SMS/sxb  
Date: January 7, 2004  
**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

DEPOSIT ACCOUNT USE  
AUTHORIZATION  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461

**PTO RECEIPT FOR FILING OF PAPERS**

**► Regular Delivery**

**The following papers have been filed:**

Notice of Appeal to the Board of Patent Appeals and Interferences and Petition for Extension of Time, check no. 140012 (\$570); Request for Refund to Deposit Account

**Name of Applicant:** Isaai SHLIMAK et al.

**Serial No.:** 09/887,014

**Atty. File No.:** 109851

**Title (New Cases):**

**Sender's Initials:** JAO:MMI/ccs

**PATENT OFFICE DATE STAMP**



182019.40

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AND RETURNED BY MESSENGER**

**PTO RECEIPT FOR FILING OF PAPERS**

► Hand Carry to Examiner T. Dougherty, Group Art Unit #2834

**The following papers have been filed:**

Petition for Extension of Time, check no. 137899 (\$55); Request for Reconsideration under 37 C.F.R. §1.116

**Name of Applicant:** Isaai SHLIMAK et al.

**Serial No.:** 09/887,014

**Atty. File No.:** 109851

**Title (New Cases):**

**Sender's Initials:** JAO:MMI/ccs

150/8

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JAN - 7 2003

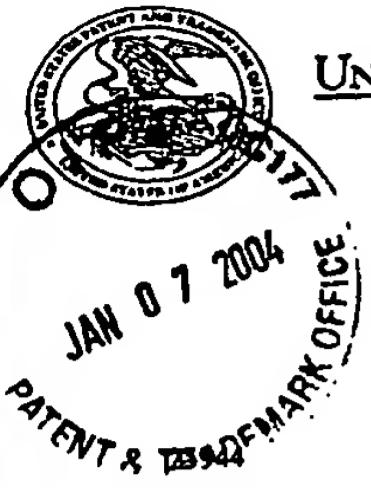
TECHNOLOGY CENTER 2800

**PATENT OFFICE DATE STAMP**

2003-01-07

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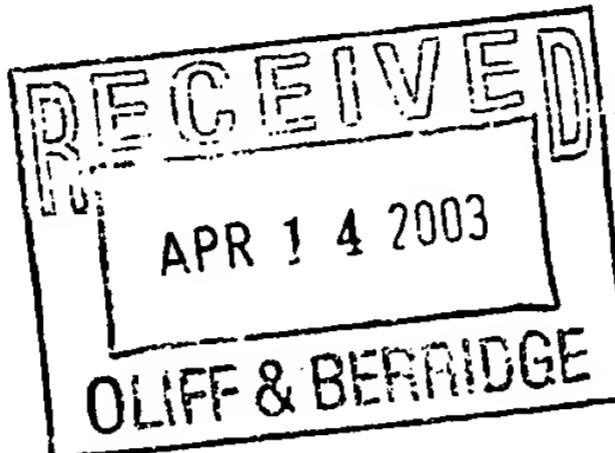


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 04/09/2003  
OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320



EXAMINER	DOUGHERTY, THOMAS M
ART UNIT	CLASS-SUBCLASS
2834	310-31300R

DATE MAILED: 04/09/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,014	06/25/2001	Issai Shlimak	109851	9206

TITLE OF INVENTION: METHOD AND DEVICE FOR NON-CONTACT DETECTION OF EXTERNAL ELECTRIC OR MAGNETIC FIELDS **DUE DATE**  
**JUL 09 2003**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$300	\$950	07/09/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

**DOCKETED**  
By Wilson 4/14/2003  
If the SMALL ENTITY is shown as NO:  
and

A. Pay TOTAL FEE(S) DUE shown above or

**By Wilson 4/14/2003**

B. If applicant claimed SMALL ENTITY status and is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**Notice of Allowability**

Application No.	Applicant(s)
09/887,014	SHLIMAK ET AL.
Examiner	Art Unit
Thomas M. Dougherty	2834

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 1/7/03.

2.  The allowed claim(s) is/are 1-31 and 33-40.

3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a)  The translation of the foreign language provisional application has been received.

6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8.  CORRECTED DRAWINGS must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
 1)  hereto or 2)  to Paper No. 7.

(b)  including changes required by the proposed drawing correction filed 19 August 2002, which has been approved by the Examiner.

(c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1  Notice of References Cited (PTO-892)

3  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5  Information Disclosure Statements (PTO-1449), Paper No. 6

7  Examiner's Comment Regarding Requirement for Deposit  
 of Biological Material

2  Notice of Informal Patent Application (PTO-152)

4  Interview Summary (PTO-413), Paper No. \_\_\_\_\_

6  Examiner's Amendment/Comment

8  Examiner's Statement of Reasons for Allowance

9  Other